

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Kelly Lyon	Team: Squad #11	CCRB Case #: 202101995	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 03/18/2021 5:00 AM	Location of Incident: § 87(2)(b)	Precinct: 46	18 Mo. SOL 9/18/2022	EO SOL 9/18/2022	
Date/Time CV Reported Thu, 03/18/2021 6:33 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 03/29/2021 12:51 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Pedro Gomez	1207	936676	WARRSEC
2. DT3 Lahmar Sanders	2884	933270	WARRSEC
3. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Anthony Romero	06869	940669	WARRSEC
2. DT3 Jason Wolfenhaut	03363	937749	WARRSEC
3. DT3 Brendan McMorro	05652	953090	046 DET
4. SGT DS Levern Dukes	01066	915650	WARRSEC
5. DT3 Felix Arana	05145	944249	WARRSEC
6. DT3 Eric Healy	02136	947069	WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Pedro Gomez	Abuse: Detective Pedro Gomez stopped § 87(2)(b)	
B.DT3 Pedro Gomez	Abuse: Detective Pedro Gomez frisked § 87(2)(b)	
C.DT3 Pedro Gomez	Force: Detective Pedro Gomez hit § 87(2)(b) against the ground.	
D.DT3 Pedro Gomez	Abuse: Detective Pedro Gomez threatened to arrest § 87(2)(b)	
E.DT3 Lahmar Sanders	Abuse: Detective Lahmar Sanders entered § 87(2)(b) § 87(2)(b) in the Bronx.	
F. Officers	Abuse: Officers drew their guns.	
G.DT3 Lahmar Sanders	Abuse: Detective Lahmar Sanders searched § 87(2)(b) § 87(2)(b) in the Bronx.	
H.DT3 Lahmar Sanders	Discourtesy: Detective Lahmar Sanders spoke discourteously to § 87(2)(b)	
I.DT3 Pedro Gomez	Discourtesy: Detective Pedro Gomez spoke discourteously to § 87(2)(b)	
J.DT3 Pedro Gomez	Abuse: Detective Pedro Gomez failed to provide § 87(2)(b) with a business card.	
K.DT3 Lahmar Sanders	Abuse: Detective Lahmar Sanders failed to provide § 87(2)(b) with a business card.	

Case Summary

On March 18, 2021, § 87(2)(b) filed this complaint with IAB by phone on behalf of himself and his uncles, § 87(2)(b) and § 87(2)(b). It was received at the CCRB on March 29, 2021.

On March 18, 2021, at approximately 5:00 a.m., § 87(2)(b) exited his apartment, located at § 87(2)(b) in the Bronx, and walked into the lobby where he encountered Det. Pedro Gomez, of the Bronx Warrant Squad. Det. Gomez stopped § 87(2)(b) in the lobby and frisked him (**Allegations A and B: Abuse of Authority, § 87(2)(g)**). Then Det. Gomez allegedly threw § 87(2)(b) onto the ground (**Allegation C: Force, § 87(2)(g)**) and threatened to arrest him if he did not provide his ID (**Allegation D: Abuse of Authority, § 87(2)(g)**).

Det. Lamar Sanders, Sgt. Levern Dukes, Det. Eric Healy, Det. Anthony Romero, Det. Jason Wolfenhaut, and Det. Felix Arana of the Bronx Warrant Squad entered the lobby and went inside of § 87(2)(b)'s apartment (**Allegations E: Abuse of Authority, § 87(2)(g)**). The detectives allegedly had their guns drawn when they entered the apartment (**Allegation F: Abuse of Authority, § 87(2)(g)**). The detectives proceeded to search the apartment for an individual known to the investigation as § 87(2)(b) (**Allegations G: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) was referred to as "§ 87(2)(b)" on the arrest warrant associated with § 87(2)(b).

§ 87(2)(b) told the detectives that they did not have the right to be in his apartment and Det. Sanders allegedly told him to, "Shut the fuck up" (**Allegation H: Discourtesy, § 87(2)(g)**). § 87(2)(b) tried to explain to Det. Gomez that no one named "§ 87(2)(b)" lived there and Det. Gomez allegedly said, "I don't give a fuck" (**Allegation I: Discourtesy, § 87(2)(g)**). The detectives then left § 87(2)(b)'s apartment, and allegedly did not provide § 87(2)(b) with a business card (**Allegation J: Abuse of Authority, § 87(2)(g)** and **Allegation K: Abuse of Authority, § 87(2)(g)**).

This incident resulted in no summonses or arrests.

The investigation obtained two surveillance footage videos from IAB (**BR 01** and **BR 02; videos, BR 03; summaries**) and two cellphone videos which were filmed by § 87(2)(b) (**BR 04** and **BR 05**).

Findings and Recommendations

Allegation (A) Abuse of Authority: Detective Pedro Gomez stopped § 87(2)(b)

Allegation (B) Abuse of Authority: Detective Pedro Gomez frisked § 87(2)(b)

Allegation (C) Force: Detective Pedro Gomez hit § 87(2)(b) against the ground.

Allegation (D) Abuse of Authority: Detective Pedro Gomez threatened to arrest § 87(2)(b)

It was undisputed that Det. Gomez stopped and frisked § 87(2)(b). Whether Det. Gomez used force against § 87(2)(b) or threatened to arrest him was disputed.

§ 87(2)(b) (**BR 06** and **BR 07**) walked out of his unit, § 87(2)(b) which was near the entrance to lobby of the building, to smoke a cigarette. § 87(2)(b) left his door unlocked. Det. Gomez entered the building as § 87(2)(b) was approaching the lobby door. Det. Gomez rushed § 87(2)(b) grabbed him by the arm, turned him around, threw him up against the wall so that his face was facing the wall, and patted down his upper body, waist, and legs. § 87(2)(b) did not think Det. Gomez entered any pockets. His keys, lighter, and cigarettes were in his pocket. Det. Gomez then pushed down on § 87(2)(b)'s shoulders causing him to sit on the ground. § 87(2)(b) felt pain to his shoulder, but he did not seek any medical treatment. § 87(2)(b) asked what was going on and Det. Gomez informed him that another officer would talk to him. Det. Gomez asked § 87(2)(b) for his ID and told him he could "take him in" and "lock him up" if he did not provide it because he was in the lobby with no ID. § 87(2)(b) stated that his ID was in his apartment and Det. Gomez allowed him to go inside the apartment and retrieve it.

Det. Gomez (**BR 08** and **BR 09**) was assisting Det. Sanders in a perpetrator positive I-Card in regard to a non-fatal shooting that occurred the day prior. The building had two entrances and

two addresses attached to the same building. Det. Sanders was investigating apartment 3C. The 46th Precinct Detective Squad was executing a search warrant at apartment 3C in the adjacent building. Det. Gomez learned over the radio that there were negative results for the perpetrator they were looking for, § 87(2)(b) inside of apartment 3C.

Det. Gomez's assignment was to watch the door of § 87(2)(b) which was located on the lower level. Det. Gomez had received this assignment from Det. Sanders during the briefing which occurred at the 46th Precinct that morning. Det. Gomez had been on the lower level for approximately five minutes when he observed § 87(2)(b) exit § 87(2)(b). Det. Gomez did not know what the subject looked like, so he approached § 87(2)(b), identified himself, and asked § 87(2)(b) for his name and whether he lived at § 87(2)(b). Det. Gomez had pictures of § 87(2)(b) in his van but not with him inside the building. Det. Gomez was by himself and still did not know who § 87(2)(b) was because he did not answer any questions. Det. Gomez did not recall whether he asked for § 87(2)(b)'s ID. Det. Gomez never told § 87(2)(b) he would be arrested if he did not produce his ID and he did not hear any member of his team make that statement either.

§ 87(2)(b) had two steps which led into the hallway and § 87(2)(b) was at the top of these stairs. Det. Gomez approached § 87(2)(b) and placed his left hand on § 87(2)(b)'s right elbow and escorted him down the stairs into the hallway. Det. Gomez made the decision to stop § 87(2)(b) on his own and never received any instructions to stop him. Det. Gomez stopped § 87(2)(b) because they were at the location regarding an I-Card and warrant for an individual involved in a non-fatal shooting and he wanted to make sure § 87(2)(b) was not capable of harming him or anyone else. Because § 87(2)(b) exited the target apartment, Det. Gomez believed there was a possibility that § 87(2)(b) could have been the subject. Det. Gomez believed Det. Sanders, the lead detective, had completed computer checks on police department databases which showed that § 87(2)(b) was the subject's last known address. Det. Gomez did not explain § 87(2)(b)'s association with apartment 3C of the adjacent building nor did he explain why the 46th Precinct Detective Squad had obtained a search warrant for that unit.

Det. Gomez asked § 87(2)(b) to place his hands on the wall and patted § 87(2)(b)'s waistband and outermost pockets for his safety to make sure he did not have any weapons. Det. Gomez never pushed § 87(2)(b) up against the wall and never entered § 87(2)(b)'s pockets. § 87(2)(b) turned around. Det. Gomez informed § 87(2)(b) that they were conducting a warrant investigation and asked him to sit on the floor for his safety. Det. Gomez did not make any physical contact with § 87(2)(b) as he was sitting on the floor and never pushed him down to the floor.

The arrest warrant for § 87(2)(b) was associated with § 87(2)(b) and did not include a photo (BR 10). The I-Card for § 87(2)(b) gave probable cause to arrest, included a photo, was activated on March 16, 2021, and included § 87(2)(b) in recent arrest history (BR 11).

Surveillance footage from the lobby of § 87(2)(b) (BR 01; video, BR 03; summary) shows Det. Gomez behind a door with a glass window at the far side of the lobby. § 87(2)(b) steps out of his unit onto the two steps that lead to his apartment and Det. Gomez approaches him. Det. Gomez grabs § 87(2)(b)'s arm and escorts him down the steps to the wall. § 87(2)(b) puts his hands up against the wall and Det. Gomez frisks § 87(2)(b)'s waistband area. Det. Gomez places his hand on § 87(2)(b)'s back but does not appear to throw him against the wall. At 1:05 minutes, § 87(2)(b) sits on the ground on his own with no assistance from Det. Gomez.

In *People v. De Bour*, 40 N.Y.2d 210 (1976) (BR 12), the court found that minimal intrusion of approaching to request information is permissible when there is some objective credible reason for that interference not necessarily indicative of criminality. The common-law right to inquire, is activated by a founded suspicion that criminal activity is afoot and permits a somewhat greater intrusion in that a police officer is entitled to interfere with a citizen to the extent necessary to gain explanatory information, but short of a forcible seizure. Where a police officer entertains a reasonable suspicion that a particular person has committed, is committing or is about to commit a felony or misdemeanor, a forcible stop and detention of that person is authorized. While a person is

temporarily detained for questioning, officers have the authority to frisk if the officer reasonably suspects that he is in danger of physical injury by virtue of the detainee being armed.

Because § 87(2)(b) was seen exiting a location associated with an individual wanted in relation to a probable cause I-Card for a non-fatal shooting and there was an active arrest warrant for the location, § 87(2)(g)

§ 87(2)(b) because Det. Gomez did not know what § 87(2)(b) looked like, the arrest warrant contained no photograph, and Det. Gomez did not know whether § 87(2)(b) was § 87(2)(b) and therefore had no information that § 87(2)(b) had committed a crime, § 87(2)(g)

Because Det. Gomez did not articulate that he believed § 87(2)(b) was currently armed and he did not give any specific reason as to why he feared for his safety besides the I-Card for a non-fatal shooting which had occurred two days prior and that he had seen § 87(2)(b) exiting the target location, § 87(2)(g)

Because the surveillance footage from the lobby of § 87(2)(b) captured § 87(2)(b)'s initial encounter with Det. Gomez and it did not depict Det. Gomez throwing § 87(2)(b) against the wall or onto the floor, § 87(2)(g)

Allegation (E) Abuse of Authority: Detective Lahmar Sanders entered § 87(2)(b) in the Bronx.

Allegation (F) Abuse of Authority: Officers drew their guns.

Allegation (G) Abuse of Authority: Detective Lahmar Sanders searched § 87(2)(b) in the Bronx.

Allegation (H) Discourtesy: Detective Lahmar Sanders spoke discourteously to § 87(2)(b)

Allegation (I) Discourtesy: Detective Pedro Gomez spoke discourteously to § 87(2)(b)

§ 87(2)(b) stated (BR 07 and BR 13) that after he was stopped by Det. Gomez, four to five more officers walked into the building and went to the apartment door. Det. Sanders opened the door, which was still unlocked, without § 87(2)(b)'s permission. The officers went inside with their guns drawn and searched the apartment for six to ten minutes while PO Gomez stayed in the lobby with § 87(2)(b) § 87(2)(b)'s uncles, § 87(2)(b) and § 87(2)(b) were asleep inside the apartment. The officers woke § 87(2)(b)'s uncles up and had them sit on the floor near the front door of the apartment. § 87(2)(b) could not see where the officers went inside of the three-bedroom apartment because it was dark, and he was situated in the lobby. § 87(2)(b) did not know whether the officers went into every room of the apartment. Afterward, § 87(2)(b) observed that his grandmother's room's door was open and one of the closets in his bedroom was open.

§ 87(2)(b) told the detectives that they did not have the right to be in his apartment and Det. Sanders told him to, "Shut the fuck up." Det. Sanders asked § 87(2)(b) if he was sure that he did not know the subject, § 87(2)(b) and he said he did not know the subject.

§ 87(2)(b) asked to see a warrant and Det. Sanders stated they had an arrest warrant, said, "Here look at this," and showed § 87(2)(b) a document on his phone which had the name of a suspect, a date of birth, a default image where a photo of the suspect could be attached, and § 87(2)(b)'s address. § 87(2)(b) had never heard of the suspect and did not know who it was. § 87(2)(b) tried to explain to Det. Gomez that no one named "§ 87(2)(b)" lived there and Det. Gomez said, "I don't give a fuck."

§ 87(2)(b) (BR 14) was sleeping when an officer forced his locked bedroom door open

and put a flashlight in his face. The door was not damaged. The officer asked if he was alone, and he stated that he was alone in the room but not in the house. § 87(2)(b) asked the officer who he was looking for and the officer said, “Not you.” § 87(2)(b) got dressed and went to the foyer. § 87(2)(b) observed two additional officers inside of the apartment.

In the living room, § 87(2)(b) asked to see a warrant. An officer stated that they wanted to make sure it was safe before showing the warrant. Officers continued walking around. An officer kept insisting on showing his phone to § 87(2)(b) and asking about an individual named “§ 87(2)(b)”. § 87(2)(b) did not know anyone by the name “§ 87(2)(b)” however, § 87(2)(b)s grandson’s first name was § 87(2)(b). The officers left and § 87(2)(b) went back to sleep. § 87(2)(b) was unavailable to provide a statement to the CCRB.

On March 17, 2021, Det. Sanders (**BR 15** and **BR 16**) received a case from the 46th Precinct Detective Squad regarding an attempted murder, non-fatal shooting. Det. Sanders was provided with a probable cause to arrest I-Card. The detective squad informed Det. Sanders that they would be conducting a search warrant on March 18, 2021, in the morning. The location was a building on the corner of § 87(2)(b) in the Bronx which had two addresses: § 87(2)(b) and § 87(2)(b).

On March 18, 2021, at approximately 5:00 a.m., a search warrant was conducted by the case detective from the 46th Precinct Detective Squad, Det. Brendan McMorro, and ESU at § 87(2)(b) apartment, 3C, in which there were negative results for the perpetrator, § 87(2)(b). Everyone had a tactical plan meeting at the 46th Precinct stationhouse and ESU had guided the officers to the location. Det. Sanders was not involved in the search warrant.

Det. Sanders was informed by the 46th Precinct Detective Squad that the individual in question, § 87(2)(b) may be at his grandmother’s apartment at § 87(2)(b) § 87(2)(b). There was a warrant for § 87(2)(b) but Det. Sanders did not know who obtained it. He did not obtain it and no member of his team obtained it. Det. Sanders conducted computer checks for warrants, DIRs, complaints, and DAS lite which showed that § 87(2)(b) name was associated with § 87(2)(b). Det. Sanders did not recall specifically which documents showed the association and did not specify how recent the results were. Det. Sanders did not take any additional investigative steps to see whether § 87(2)(b) was at § 87(2)(b) that morning.

Det. Sanders and his team set up on § 87(2)(b). One member of the team was tasked with watching the window in the event that someone from apartment 3C informed someone in § 87(2)(b) of police presence.

Det. Sanders informed his team of the negative search warrant results, exited § 87(2)(b), and walked around to the § 87(2)(b) entrance. Det. Sanders’s partner, Det. Gomez, had § 87(2)(b) stopped in the lobby. § 87(2)(b) was observed coming out of § 87(2)(b) by Det. Gomez. Det. Gomez had § 87(2)(b) sitting down against the wall within two steps of the entrance to § 87(2)(b).

Det. Sanders and his team, Det. Wolfenhaut, Det. Romero, and Sgt. Dukes, went inside of § 87(2)(b). Det. Sanders and his team did not have their guns drawn. Det. Sanders entered the apartment first. The door was already open. Det. Sanders walked inside and announced himself. Det. Sanders entered the common area just inside of the door and then he and his team proceeded to conduct a search of every bedroom for § 87(2)(b), § 87(2)(b), and § 87(2)(b) who were inside the apartment. Det. Sanders told them why he was there. Per procedure for safety, individuals are asked to exit the room. Det. Sanders could not remember specifically what he told § 87(2)(b) and § 87(2)(b). Per standard procedure, the rooms are searched in places where a person could be hiding including closets, under the bed, and behind dressers. Det. Sanders did not have independent recollection of where these rooms were searched.

Once the apartment was cleared and safe, Det. Sanders informed Det. Gomez. Det. Gomez and § 87(2)(b) entered the apartment. Det. Sanders explained to § 87(2)(b) why they were there and showed him the warrant for “§ 87(2)(b)”. § 87(2)(b) stated that § 87(2)(b) was his relative. Det. Sanders never told § 87(2)(b) to “shut the fuck up” and never heard any other officer say that to

him.

Det. Gomez stated that (**BR 08**) after his team arrived on scene, Det. Sanders had a conversation with § 87(2)(b). Det. Gomez did not remember what the conversation was about. Det. Gomez remained in the hallway while Det. Sanders and the team entered § 87(2)(b). The door was open already from § 87(2)(b) exiting the apartment. Det. Gomez did not observe any member of his team enter the apartment with guns drawn.

Once it was determined that § 87(2)(b) was not inside § 87(2)(b), § 87(2)(b) got up and he and Det. Gomez went into the apartment. Det. Gomez did not remember whether Det. Sanders specifically asked § 87(2)(b) to enter the apartment. Inside, Det. Sanders continued his conversation with § 87(2)(b) and § 87(2)(b). Det. Gomez went inside because his team was still in there and he wanted to determine whether he was needed or not. Det. Gomez stated that he did not say, "I don't give a fuck," in response to § 87(2)(b) stating that no one named § 87(2)(b) lived at the location. Det. Gomez never told § 87(2)(b) "Shut the fuck up," and he never heard any other detective make that statement.

Sgt. Dukes (**BR 17**) went to the lobby with his team. The assignment was regarding an I-Card and there was an arrest warrant for § 87(2)(b). Sgt. Dukes did not recall whether the I-Card and the arrest warrant were for the same individual. Sgt. Dukes did not take any investigative steps himself to verify the I-Card or arrest warrant and he did not know what the lead detective did to verify the address. Sgt. Dukes did not recall any specific plans beside looking for their target individual, § 87(2)(b). Sgt. Dukes did not recall how the address was associated with § 87(2)(b).

§ 87(2)(b) was alone in the lobby, and he voluntarily stated he lived in § 87(2)(b) the target location. Sgt. Dukes did not recall seeing § 87(2)(b) exit the apartment. § 87(2)(b) was in the lobby when Sgt. Dukes arrived. A member of Sgt. Dukes' team told § 87(2)(b) that they were looking for someone who possibly resided in § 87(2)(b)'s apartment and that they had an arrest warrant. Sgt. Dukes did not recall which one of his detectives § 87(2)(b) spoke with and he did not recall the conversation. Sgt. Dukes did not have any direct conversation with § 87(2)(b). Sgt. Dukes did not recall § 87(2)(b) being stopped or not free to leave. Sgt. Dukes did not see any of his detectives make physical contact with § 87(2)(b) and he did not see him sitting on the ground.

§ 87(2)(b) opened the door to § 87(2)(b) with a key. Sgt. Dukes did not recall any officers asking for consent to enter or search the apartment. Sgt. Dukes and his team went inside and did a security search for § 87(2)(b) and he was not there. Sgt. Dukes did not recall which members of his team performed the security sweep. Sgt. Dukes did not recall specifically where he went inside the apartment. Sgt. Dukes did not remember whether any member of his team stayed in the lobby or outside of the building. Sgt. Dukes did not recall any member of his team entering the apartment with guns drawn. Sgt. Dukes did not recall there being anyone else in the apartment.

Det. McMorrow, the case detective from the 46th Precinct Detective Squad who was assigned to the search warrant executed at § 87(2)(b) Apartment, 3C, stated (**BR 18**) that he was present for a tactical meeting that morning in which the warrant squad was present. Det. McMorrow went to § 87(2)(b) Apartment, 3C, with ESU to execute the search warrant. The warrant squad was present as back up but did not enter that unit. Det. McMorrow was aware of the arrest warrant for § 87(2)(b). Besides the I-Card, Det. McMorrow did not know what other information, if any, that he provided to the warrant squad. Det. McMorrow explained that when an I-Card is activated, a case is created with the warrant squad, and they are responsible for their own investigation. Det. McMorrow was not made aware that the warrant squad had entered and searched § 87(2)(b).

Det. Sanders's DD5s (**BR 19**) showed that Det. Sanders conferred with Det. McMorrow on March 17, 2021, and exchanged intelligence regarding the subject, § 87(2)(b) including his pedigree information and information about the non-fatal shooting that occurred on March 16, 2021. Det. McMorrow informed Det. Sanders of the search warrant which was scheduled for March 18, 2021, and that § 87(2)(b) was associated with § 87(2)(b). The DD5

did not specify any other information that was shared or discussed.

§ 87(2)(b) arrest warrant (**BR 10**) from 2013 showed that he resided at § 87(2)(b) and his I-Card (**BR 11**) showed that he resided at § 87(2)(b) in the arrest history section. On July 18, 2022, an independent search of CLEAR database search conducted by the undersigned investigator showed that § 87(2)(b) has been living at § 87(2)(b) from 2011 through June 2022 (**BR 20**). Although the arrest warrant was issued for § 87(2)(b) due to the arrest history and CLEAR search matching the address shown on the arrest warrant, the investigation determined that the individual wanted in the arrest warrant was § 87(2)(b).

Surveillance footage from the lobby of § 87(2)(b) (**BR 01**; *video*, **BR 03**; *summary*) shows that after Det. Gomez stopped § 87(2)(b) the rest of Det. Gomez's team walks into the lobby and enters § 87(2)(b)'s apartment holding flashlights. One of the detectives is holding a large shield. None of the detectives have their guns unholstered or drawn.

NYPD Patrol Guide procedure 208-42 (**BR 21**) states that when arresting an individual for who an arrest warrant has been issued, officers are to inform the defendant of the warrant, present the warrant if requested, announce authority, and purpose, and make a forced entry into premises if necessary unless the premises is a third-party residence in which case a search warrant is required.

Because Det. Sanders was in possession of an active arrest warrant for § 87(2)(b) there were negative results for § 87(2)(b) during the search warrant executed at § 87(2)(b)'s apartment 3C, and Det. Sanders did not make a forced entry due to § 87(2)(b) leaving the door unlocked, § 87(2)(g)

Because the surveillance footage showed that none of the detectives had guns unholstered or drawn when entering § 87(2)(b)'s apartment § 87(2)(g)

Allegation (J) Abuse of Authority: Detective Pedro Gomez failed to provide § 87(2)(b) with a business card.

Allegation (K) Abuse of Authority: Detective Lahmar Sanders failed to provide § 87(2)(b) with a business card.

§ 87(2)(b) confirmed during a follow up call (**BR 22**) that he did not receive a business card from any of the officers.

Det. Gomez (**BR 09**) did not remember whether he gave § 87(2)(b) a business card and did not remember whether § 87(2)(b) asked for one. After Det. Gomez's team was finished at § 87(2)(b)'s apartment, § 87(2)(b) followed them out and asked Det. Gomez for his name and shield number, which he provided.

Det. Sanders stated (**BR 16**) that he believed he gave § 87(2)(b) a business card.

Sgt. Dukes (**BR 17**) did not recall observing any member of his team providing a business card. Sgt. Dukes did not recall hearing § 87(2)(b) asking for a business card.

New York City Administrative Code § 14-174 (**BR 23**) states that at the conclusion of a law enforcement activity, including a pedestrian stop, frisk, and home search, that does not result in a summons or arrest, officers are to offer a business card to such person at the conclusion of such activity.

NYPD Patrol Guide procedure 203-09 (**BR 24**) states that a business card is to be offered for a law enforcement activity, including a stop, frisk, or home search, except in cases when a

summons is issued, or an arrest is made.

Because Det. Gomez did not remember giving § 87(2)(b) a business card after he stopped and frisked § 87(2)(b) and § 87(2)(b) stated he did not receive one, § 87(2)(g)

Because Det. Sanders was the lead detective regarding the search of § 87(2)(b)'s apartment, and he believed he did give § 87(2)(b) a business card, and § 87(2)(b) provided a conflicting statement that Det. Sanders did not provide him with a business card, § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) have been a party (**BR 25, BR 26, and BR 27**).
- Det. Gomez has been a member of service for 17 years and named a subject in four additional CCRB complaints and nine allegations, none of which were substantiated.
- Det. Sanders has been a member of service for 19 years and named a subject in 17 additional CCRB complaints and 37 allegations six of which were substantiated.
 - 201017094 involved substantiated allegations of physical force, refusal to provide name/shield number, stop, and a discourteous word. The Board recommended Charges and the NYPD imposed no discipline.
 - 201305005 involved substantiated allegations of a premises entered/searched and property damage. The Board recommended Charges and the NYPD imposed forfeiture of five vacation days.

Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- § 87(2)(b)
- According to OCA as of June 23, 2022, neither § 87(2)(b) nor § 87(2)(b) have any history of criminal convictions in New York City (**BR 29 and BR 30**).

Squad: 11

Investigator:	<u>Kelly Lyon</u>	<u>Inv. Kelly Lyon</u>	<u>07/19/2022</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Edwin Pena</u>	<u>IM Edwin Pena</u>	<u>07/19/2022</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date